

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/595,447

Applicant(s)

PEKKALA ET AL.

Examiner

LONGBIT CHAI

Art Unit

2431

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED 31 January 2011 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-10.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Longbit Chai/
Primary Examiner, Art Unit 2431

Continuation of 11, does NOT place the application in condition for allowance because:

1. Applicant asserts the prior-art does not teach "to receive a mobile application part message from the first domain, to convert the received mobile application part message obtaining a secured mobile application part message" because the Office action does not point to any specific portions of the cited reference to support the statement "the GSM is a truly secured protocol standard" (Remarks: Page 6 / 1st Para / Line 9 - 13). Examiner notes it is well known to one of ordinary skill in the art having common sense at the time the invention was made to recognize "the GSM is a truly secured protocol standard" - for example (a) both GSM and UMTS apply the same security mechanisms as stated in 3G TS 33.102, v.3.6.0, 3rd Generation Partnership Project, Technical Specification Group Services and System Aspects, 3G Security, and Security Architecture, clause 6.8.1.1. (e.g. please refer to U.S. Patent 7,099,675 Column 1 Line 58 - 62 if necessary) and (b) the primary reference "3GPP TS 33.200 V5.0.0 Release 5 March 2002" - Section 2 (a reference to 3GPP document including GSM document) and Section 4 (MAP Application Layer Security).

2. Applicant asserts the prior-art does not teach "to extract an unsecured mobile application part message from the received secured mobile application part message" because Loganathan fails to disclose anything about decryption (Remarks: Page 6 / 2nd Para). Examiner respectfully disagrees because (a) in light of the response to the argument as set forth above "the GSM is a truly secured protocol standard" with respect to translating the message to a corresponding message in a GSM MAP protocol, as taught by (Loganathan : Column 4 Line 49 - 52) and (b) the decryption of the message is indeed extracting an unsecured (or clear - i.e. unprotected) mobile application part message from the received secured (or encrypted) mobile application part message according to the ciphering algorithm agreed by both entities and as such Applicant's arguments are respectfully traversed..